

#12/B
11-21-00
D. Stone
(NE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Dawson *et al.*

Serial No. 09/346,923

Filed: July 2, 1999

For: TOPICAL TREATMENT OR
PREVENTION OF OCULAR
INFECTIONS

Art Unit: 1623

Examiner: E. Peselev

Atty. Docket: 03654.0250.00US01

Amendment

Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: BOX AF

Sir:

In response to the Office Action dated September 19, 2000 (paper number 11) and the Interview of November 16, 2000, we request allowance of claims 9 through 20 and 36 through 44 in light of the following amendments and remarks.

Please cancel claims 1 through 8 and 21 through 29 without prejudice.

Remarks

Claims 1-29 and 36-44 are pending in this case. Claims 1-8 and 21-29 have been cancelled without prejudice.

OK
to
order
up

Applicants thank the Examiner for the interview granted on November 16, 2000. Applicants further thank the Examiner for her thoughtful comments and suggestions. The Examiner suggested in the interview that claims reciting "the combination of an azalide antibiotic and polymeric suspending agent" are patentable over the Dawson reference. Although Applicants disagree with the reasons underlying the rejections, Applicants have cancelled claims